

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
GREENVILLE DIVISION**

HOWARD T. HAYS,

PETITIONER

v.

No. 4:04CV183-M-B

SHERIFF RICKY BANKS, ET AL.

RESPONDENTS

MEMORANDUM OPINION

This matter comes before the court on the June 28, 2004, *pro se* petition of Howard T. Hays for a writ of *habeas corpus* under 28 U.S.C. § 2241. The state moved on October 18, 2004, to dismiss the petition as moot. The petitioner responded November 29, 2004. The matter is ripe for decision. For the reasons set forth below, the instant petition for a writ of *habeas corpus* shall be dismissed as moot.

Discussion

The petitioner was arrested for burglary July 2, 2003, for burglary and grand larceny. The petitioner claims that he “is being held against his will” because the state has failed to obtain an indictment against him. A grand jury, however, returned an indictment against the petitioner July 2, 2004; as such, the petitioner’s claim that the state is holding him without an indictment has become moot. Therefore, the instant petition for a writ of *habeas corpus* under 28 U.S.C. § 2241 shall be dismissed as moot. A final judgment consistent with this memorandum opinion shall issue today.

SO ORDERED, this the 26th day of May, 2005.

/s/ Michael P. Mills
UNITED STATES DISTRICT JUDGE